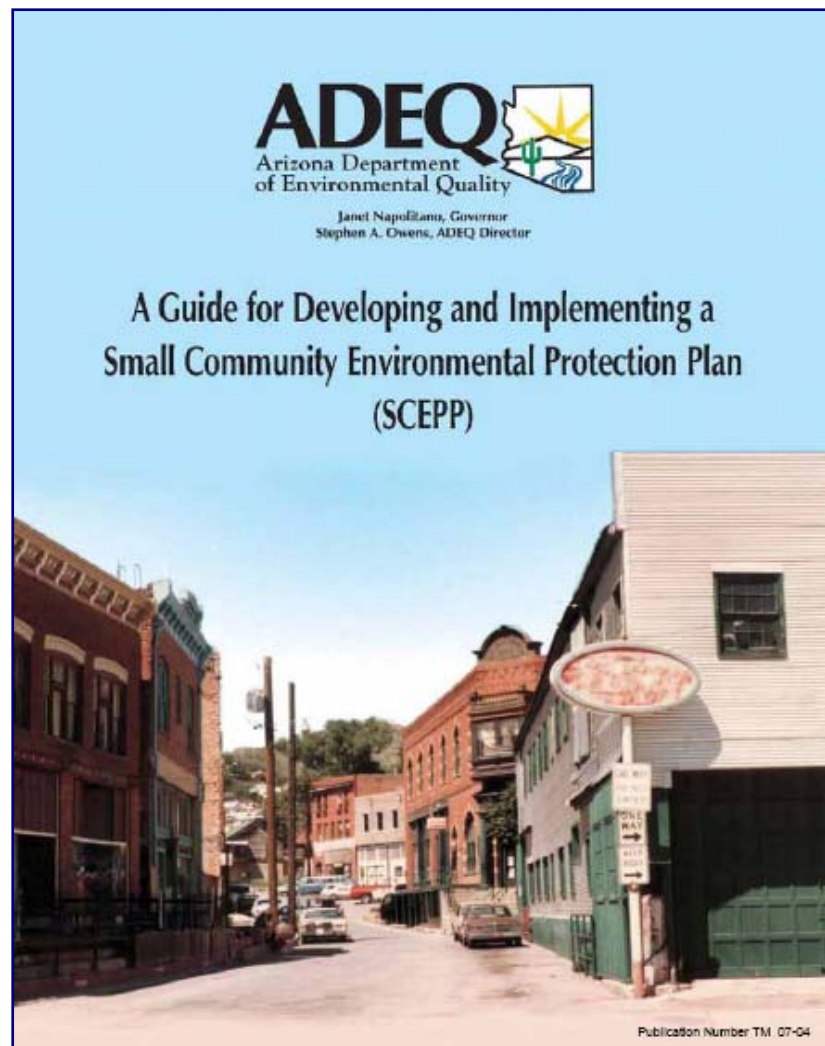


Arizona's Small Community Environmental Compliance Assistance Project

By ADEQ's
Community Liaisons

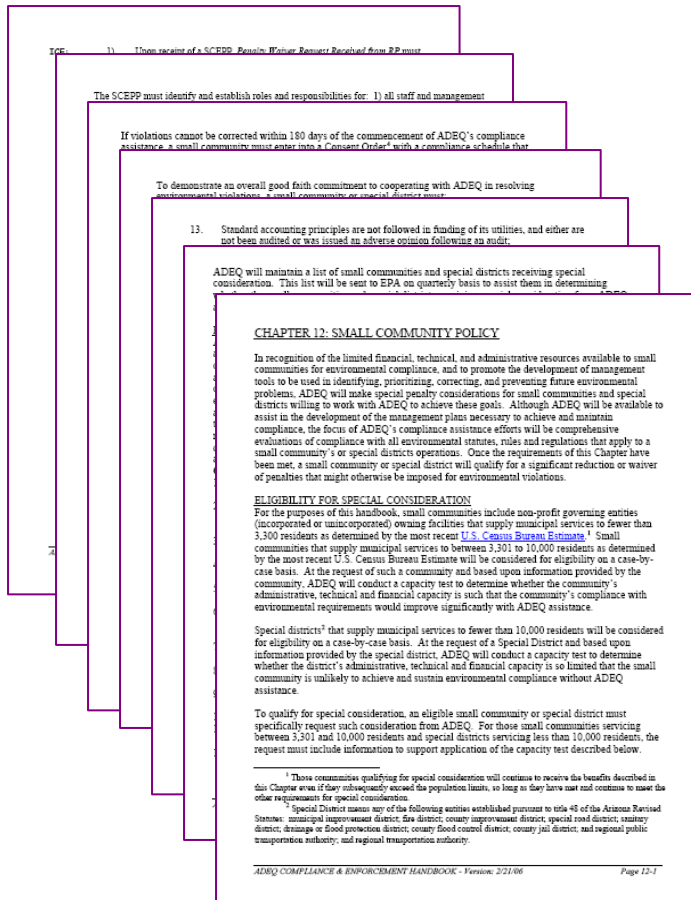
February 20, 2008



ADEQ's Small Community Policy

<http://www.azdeq.gov/function/compliance/download/smallcomm-policy.pdf>

- Developed in recognition of the limited financial, technical, and administrative resources available to small communities for environmental compliance, and
- to promote the development of management tools to be used to identify, prioritize, correct, and prevent future environmental problems.



ADEQ's Small Community Policy

Special Penalty Considerations

- ▶ ADEQ will make *special penalty considerations* for small communities and special districts willing to work with ADEQ to achieve these goals.
- ▶ Once the requirements of the Small Community Policy have been met, a small community or special district will qualify for a *significant reduction or waiver of penalties* that might otherwise be imposed for environmental violations.

ADEQ's Small Community Policy

Eligibility for Special Penalty Consideration

- ▶ **Small communities** include non-profit government entities (*unincorporated or incorporated*) owning facilities that supply municipal services to **fewer than 3,300 residents** as determined by the most recent **U.S. Census Bureau Estimate** (adjusted every July 1).
<http://www.census.gov/popest/cities/SUB-EST2006-4.html>
- ▶ **Small Communities** qualifying for special consideration will continue to receive the benefits if they subsequently exceed the population limits so long as they have met and continue to meet the other requirements for special penalty consideration.

ADEQ's Small Community Policy

Eligibility for Special Penalty Consideration

- ▶ **Small communities** that supply municipal services to between 3,301 and 10,000 residents as determined by the **U.S. Census Bureau Estimate** will be considered for eligibility on a *case-by-case basis*.
- ▶ At the request of the small community, ADEQ will conduct a capacity test to determine whether the community's administrative, technical and financial capacity is such that the community's compliance with environmental requirements would improve significantly with ADEQ assistance.

ADEQ's Small Community Policy

Eligibility for Special Penalty Consideration

- ▶ Special districts that supply municipal services to fewer than 10,000 residents will be considered on a case by case basis.
- ▶ At the request of a special district, ADEQ will conduct a capacity test to determine whether the district's administrative, technical and financial capacity is so limited that the district is unlikely to achieve and sustain environmental compliance without ADEQ assistance.

ADEQ's Small Community Policy

Eligibility for Special Penalty Consideration

- **Special district** means any of the following entities established pursuant to [Title 48 Arizona Revised Statutes](#):

<http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=48>

- Municipal Improvement District
- Fire District
- County Improvement District
- Special Road District
- Sanitary District
- Drainage or Flood Protection District
- County Flood Control District
- County Jail District
- Regional Public Transportation Authority, and
- Regional Transportation Authority

ADEQ's Small Community Policy

Qualify for Special Penalty Consideration

- ▶ To qualify for special penalty consideration, an eligible small community or special district must specifically request such consideration from ADEQ.
- ▶ Small communities serving between 3,301 and 10,000 residents and special districts serving less than 10,000 residents must include information to support application of the *capacity test with their request*.

ADEQ's Small Community Policy

Good Faith Commitment – Request For Consideration

Example: Request to Participate Under the ADEQ Small Community Policy

[Community's Letterhead]

[Date]

Arizona Department of Environmental Quality
Brian Davidson, Ombudsman
1110 West Washington Street, 6th Floor
Phoenix, AZ 85007

Subject: Request for Special Penalty Consideration under ADEQ Small Community Policy

Dear Mr. Davidson:

[I or We] have been authorized by the [Name City or Town], [Authorizing Group/Individual] to request special penalty consideration under the ADEQ Small Community Policy.

[I or We] have read *Chapter 12: Small Community Policy in the ADEQ Compliance Enforcement Handbook version 02/21/06*. The [Name City or Town] serves a population of [Number] based on the U.S. Census Bureau Estimate dated July 1, 2006.

The [Name City or Town] agrees to cooperate with ADEQ in the identification, prioritization and resolution of environmental violations and agrees to:

- 1) Promptly self-disclose known violations;
- 2) Make attempts to comply or make a request for compliance assistance prior to initiation of any enforcement action;
- 3) Participate in a comprehensive compliance evaluation to identify violations;
- 4) Promptly correct known violations;
- 5) To remediate harm to public health, welfare, or the environment;
- 6) If necessary, to enter into a written and enforceable compliance agreement establishing a schedule to correct all violations as expeditiously as practicable in order of risk-based priority, or to enter into a written and enforceable agreement establishing a schedule to correct all *known* violations as expeditiously as practicable in order of risk-based priority and to develop a Small Community Environmental Protection Plan (SCEPP) for all our operations; and
- 7) Adhere to the terms of the agreement and compliance schedule.

The [Name City or Town] understands the special penalty consideration is not automatic and that to qualify for a 100% penalty reduction the SCEPP must be submitted to ADEQ prior to ADEQ's identification of the violation(s) subject to a penalty.

The [Name City or Town] has reviewed *A Guide for Developing and Implementing a Small Community Environmental Protection Plan (SCEPP)* and has begun the process of evaluating all operations using the guide's *Self-Assessment Questionnaires* in preparation of developing a SCEPP. The [Name City or Town] will submit the SCEPP to ADEQ no later than one year from the date of ADEQ's written approval of participation.

Sincerely,

[Name, Title of Authorized Signer(s)]

cc: [Name Community Liaison]

See your ADEQ Community Liaison for an *Example Letter* of a Request for Consideration to participate under the **Small Community Policy**.

ADEQ's Small Community Policy Eligibility Capacity Test

Capacity Test Indicators:

- ▶ ADEQ's [Small Community Policy](#) includes 18 indicators to assist in determining whether the technical, managerial, and financial capacity of a small community or special district is so limited that it is unlikely to achieve and sustain comprehensive environmental compliance without ADEQ's assistance.
- ▶ ADEQ is available to provide assistance but encourages small communities and special districts to *conduct their own capacity test.*
- ▶ Indicators are intended as guidance to be used in making a request to ADEQ for special penalty consideration.

ADEQ's Small Community Policy

Two Types of Penalty Reductions Available to Eligible Small Communities and Special Districts

1) 100% Penalty Reduction:

- Make a Good Faith Commitment to environmental compliance.
- Develop a comprehensive **Small Community Environmental Protection Plan (SCEPP)** designed to maintain compliance once achieved.
- A **SCEPP** can be developed with or without ADEQ assistance.
- A **SCEPP** must be submitted to ADEQ *prior* to ADEQ's identification of violations subject to a penalty.

ADEQ's Small Community Policy

Two Types of Penalty Reductions Available to Eligible Small Communities and Special Districts

2) Up to a 75% Penalty Reduction:

- If a **SCEPP** manual has **not** yet been submitted to ADEQ, ADEQ will still offset a higher than normal amount of a civil settlement penalty for development of a **SCEPP** provided a **Good Faith Commitment** request for consideration has been made.
- If a small community or special district agrees to correct the violations at issue and adopts a **SCEPP** as a **supplemental environmental project (SEP)** described in a consent agreement, ADEQ will offset 75% of the civil penalty.

ADEQ's Small Community Policy Qualify for Special Penalty Consideration

- ▶ Receipt of special penalty considerations is not automatic.
- ▶ To receive these benefits, a small community or special district must make a written request to ADEQ.

ADEQ's Small Community Policy

Demonstrate a Good Faith Commitment Identification, Prioritization & Resolution of Existing Violations

- 1) Promptly self-disclose known violations;
- 2) Make attempts to comply or make a request for compliance assistance *prior* to initiation of an enforcement action;
- 3) Participate in a comprehensive compliance evaluation to identify violations using the **SCEPP Guidance** including the **Self-Assessment Questionnaires**;
- 4) Promptly correct known violations;

ADEQ's Small Community Policy

Demonstrate a Good Faith Commitment Identification, Prioritization & Resolution of Existing Violations

- 5) Demonstrate a willingness to remediate harm to public health, welfare, or the environment;
- 6) If necessary, enter into a written and enforceable consent agreement with a compliance schedule to correct all violations in order of risk-based priority and develop a **SCEPP**; and
- 7) Adhere to the terms of the agreement.

ADEQ's Small Community Policy SCEPP Documentation

- ▶ A copy of the completed **SCEPP** manual must be submitted to ADEQ *no later than one year after the request* for special penalty consideration as proof that the **SCEPP** was developed.
- ▶ The **SCEPP** manual must contain the relevant elements listed in the Small Community Policy including policies, procedures (e.g., operational and maintenance), and standards showing the **SCEPP** conforms to and will accomplish **SCEPP** elements to ensure compliance with environmental requirements.

ADEQ's Small Community Policy SCEPP Manual Requirements & Template

- 1) Small Community Environmental Protection Plan
- 2) Environmental Policy
- 3) Scope of Operations Covered by the SCEPP
- 4) Environmental Aspects and Impacts, Objectives and Targets
- 5) Legal and Other Requirements
- 6) Environmental Management Programs (EMP)
- 7) Operational Control & Organizational Structure and Responsibilities
- 8) Training, Awareness and Competency
- 9) Communications & Registry of Stakeholders
- 10) Document Control
- 11) Environmental Records Control
- 12) Emergency Preparedness and Response
- 13) Noncompliance and Correction and Preventive Actions
- 14) Environmental Compliance Audit
- 15) SCEPP Audit
- 16) Management Review



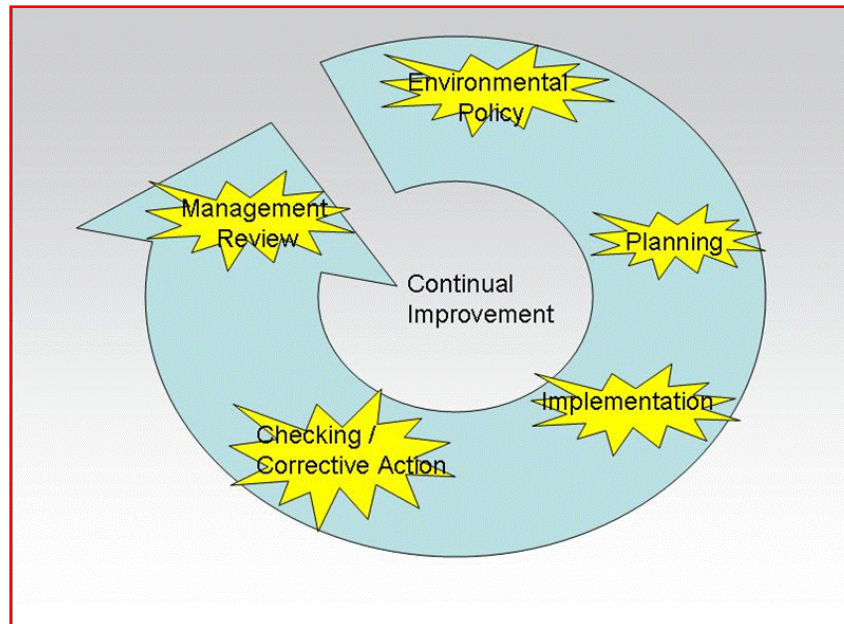
Appendix B
Small Community Environmental Protection Plan (SCEPP)
Instructions, Examples, Template, Forms and Glossary

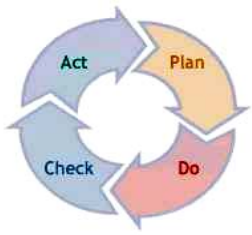
Coming
Soon



Under
Development

Small Community Environmental Protection Plan
Instructions, Examples, Template, Forms & Glossary



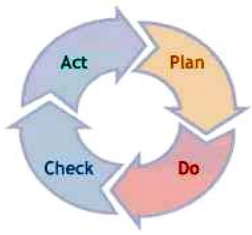


ADEQ's Small Community Policy SCEPP Manual Template

Basic Model: This management system approach accomplishes organizational integration by guiding the user through four processes:

Plan: Planning by setting community policy and commitments; identifying the characteristics of activities and services; identifying applicable legal and other requirements; and developing objectives and targets to control and improve performance.

Do: Integrating management into normal operations through training, procedures, documentation, and operational controls.

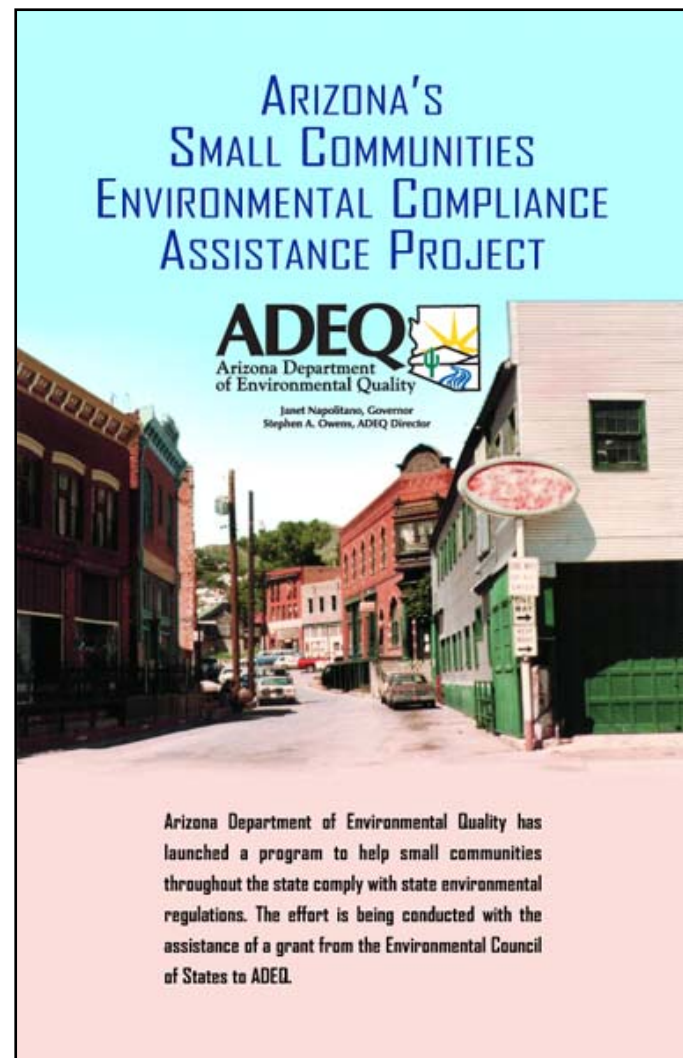
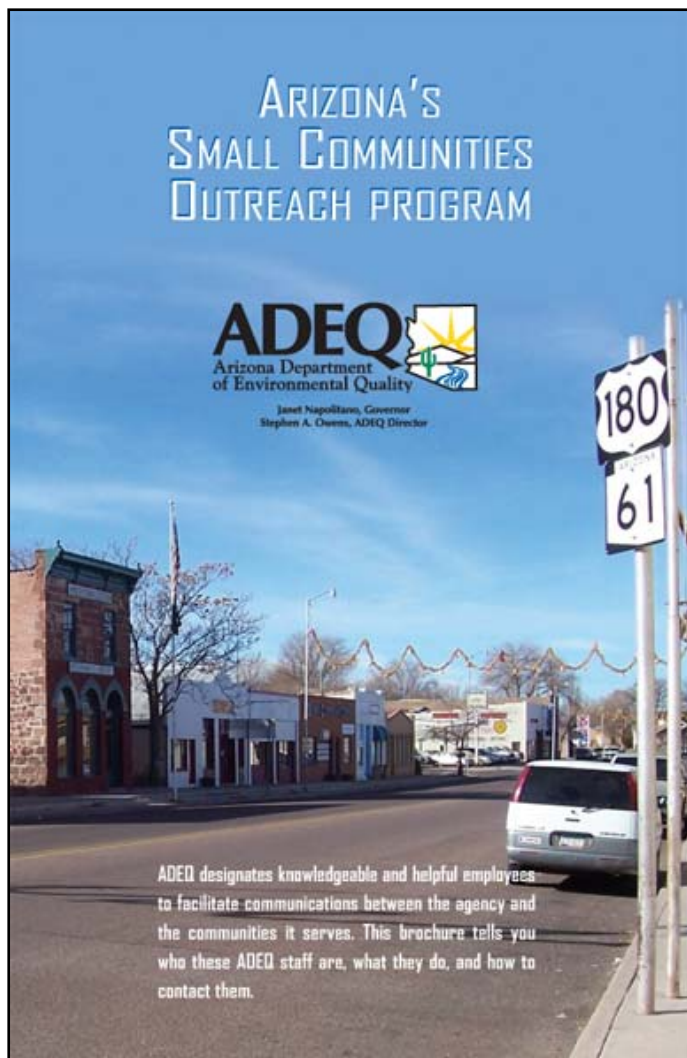


ADEQ's Small Community Policy SCEPP Manual Template

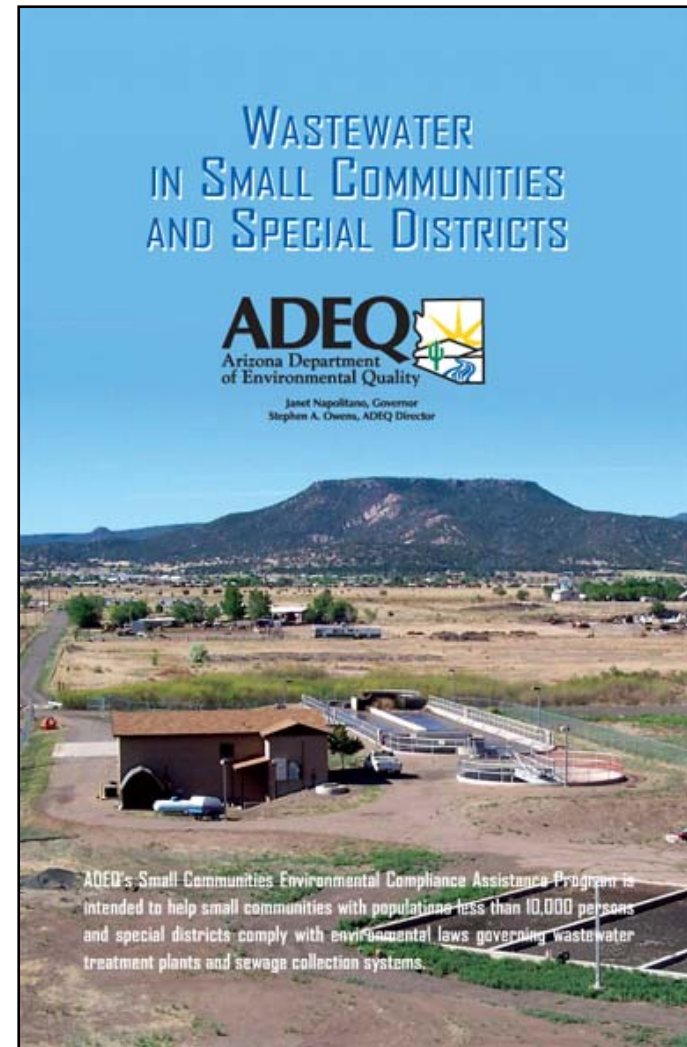
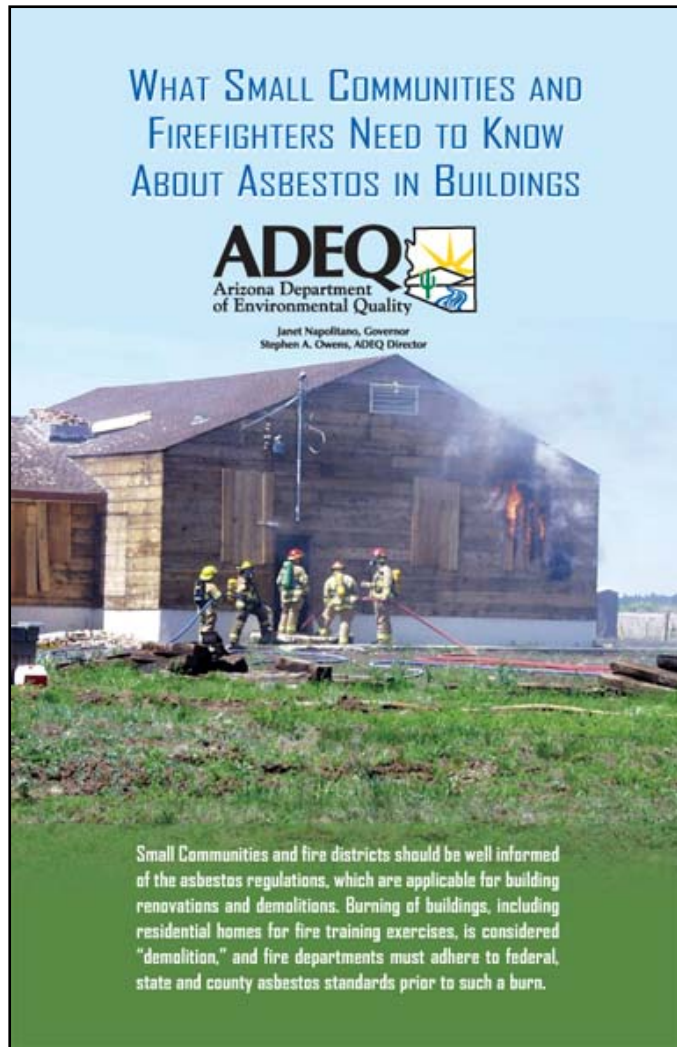
Check: Checking and corrective actions by monitoring and measuring for key parameters and performance metrics, adjusting to address concerns, and auditing and record keeping.

Act: Acting on the results to ensure policy commitments are met and continual improvement occurs.

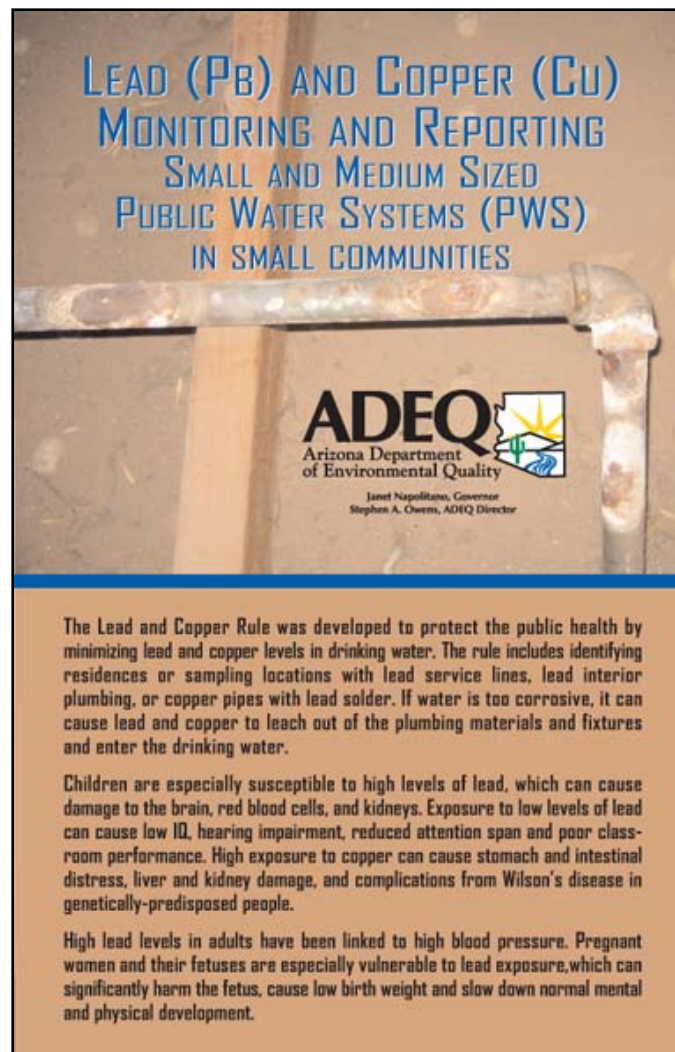
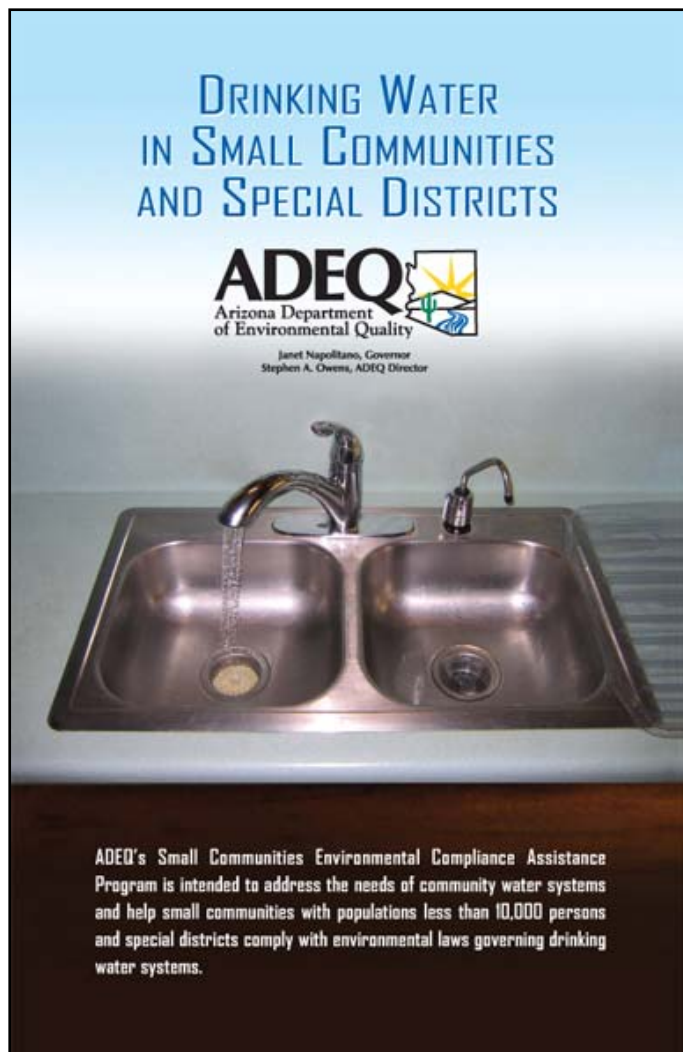
ADEQ's Small Community Policy Additional Guidance - Brochures



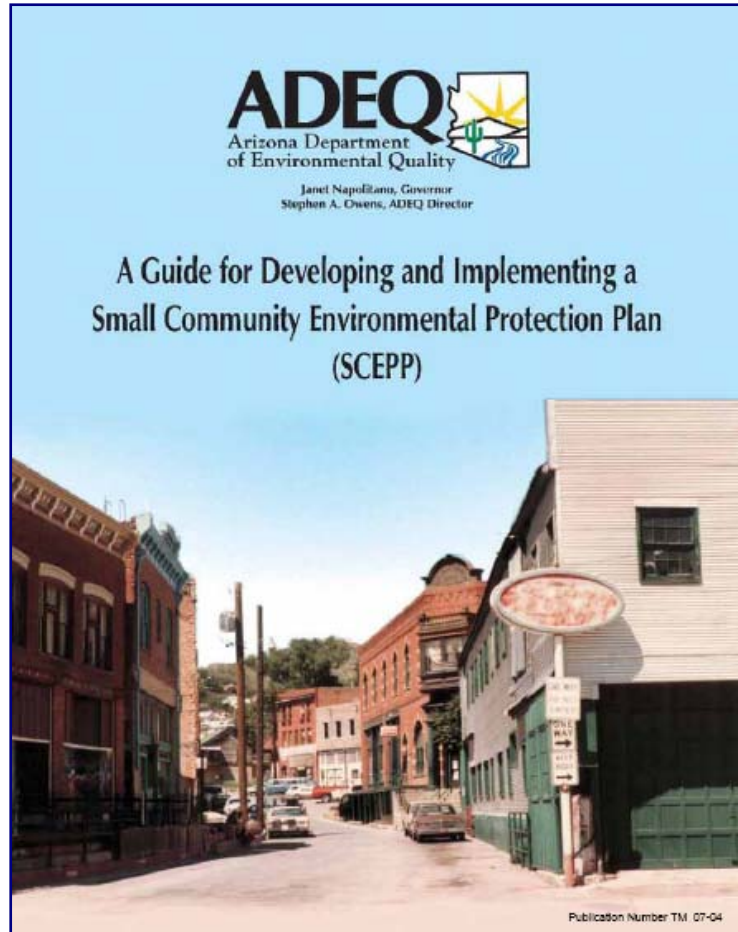
ADEQ's Small Community Policy Additional Guidance - Brochures



ADEQ's Small Community Policy Additional Guidance - Brochures



Small Community Environmental Protection Plan (SCEPP)



This guidance was prepared by the **Arizona Department of Environmental Quality** under Agreements with the **Environmental Council of States (ECOS)** and the **U.S. EPA Environmental Policy and State Innovation Grant**.

The **SCEPP Manual and Template** were financed in part by funds provided by ECOS and EPA.

ADEQ's Small Community Policy Guidance Available Online

▶ **Small Communities Environmental Compliance Assistance**

<http://www.azdeq.gov/function/compliance/smallcomm.html>

▶ **A Guide for Developing and Implementing a Small Community Environmental Protection Plan (SCEPP)**

- Self-Assessment Questionnaires
- Guidance Brochures
- Links to Additional Guidance

<http://www.azdeq.gov/function/compliance/download/ecoss.pdf>

For Assistance Contact:

ADEQ's Community Liaisons

Northwest AZ (928) 779-0313

Northeast AZ (928) 337-3565

Southwest AZ (928) 373-9432

Southeast AZ (928) 348-3040

ADEQ Ombudsman

Brian Davidson (602) 771- 4881

Toll Free (800) 234-5677 ext. 771- 4881